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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/917,246	07/27/2001	Kevin J. Dowling	C01104/70074	8927

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EXAMINER

PHILOGENE, HAISSA

ART UNIT PAPER NUMBER

2821

DATE MAILED: 05/08/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/917,246

Applicant(s)

DOWLING ET AL.

Examiner

Haissa Philogene

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

Claim 7 is objected to because of the following informalities: In line 2, change "the" before "lighting device" to --a--. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 5 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 5 recites "said piece of material contains imperfections". Although the specification literally discloses imperfections, it fails to describe what elements in the material constitute the imperfections and what effect the imperfections of the material have on the device, thereby raising doubt as to enablement.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

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(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by  
Downing, Patent No. 5,988,645.

As per claim 1, Downing discloses in Fig.1 a color-changing device comprising an enclosure 17 including at least a piece of material 12 which to be illuminated, and an illumination device (14, 16), disposed within the enclosure (see Col.14, lines 21-22), to illuminate said material 12, the illumination device capable of inherently generating at least two colors as changing color of all or part of the material is possible (see col.30, lines 65-66).

As per claim 2, Downing discloses the device being a computer 20 and including one or more of the following: a mouse, a printer, a scanner, a cable, a modem and so on (see Col.14, line 59- Col.15, line 8).

As per claim 6, Downing discloses the illumination device capable of being an LED (see Col.24, lines 13-17).

As per claim 7, Downing discloses a controller 20 for controlling a lighting device (12, 14, 16).

As per claims 8 and 9, Downing discloses the controller 20 receiving input from a user using a keyboard network (see Col.15, lines 33-35).

As per claims 4 and 54, Downing discloses the piece of material 12 as target screen material which is illuminated by light beams from the illumination device (14, 16), said

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material is readable as containing imperfections as it allows reflections and translucent as it is applied in a computer monitor.

As per claims 10-13, Downing discloses the recited method for changing the color of a device as applied to the color-changing device explained above.

As per claims 14-20, Downing discloses a method comprising the steps of generating an input signal via any type of user interface device including keyboard, graphical user interface and others (see Col.15, lines 1-8) , generating a control signal in response to the input signal via the controller 20 and communicating the control signal to the lighting system (14, 16) so as to illuminate at least a portion 12 of the enclosure device 17 (see Col.15, lines 30-51); the generated input signal being accomplished via the keyboard K by receiving a signal from the user, said signal being at least an information signal.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hyatt, Patent No. 4,342,906, "Pulse width modulated feedback arrangement for illumination control".

Kikinis et al., Patent No. 5,634,080, "Hand-held portable computer having an electroluminescent flat-panel display with pixel elements at right angles to the plane of the display and an excitation direction parallel to the plane of the display".

Bar et al., Patent No. 5,424,754, "Animated windows with multi-choice variants and analog controls" .

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**Correspondence**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haissa Philogene whose telephone number is (703) 305-3485. The examiner can normally be reached on 6:30 A.M.-6:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (703) 308-4856. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7722 for regular communications and after Final communications. The fax number for the examiner is (703) 746-4054.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

hp  
May 2, 2002

Haissa Philogene  
Primary Examiner  
09/917,246